

United States Courts
Southern District of Texas
FILED
September 18, 2024
Nathan Ochsner, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

vs.

ARTHUR HECTOR FERNANDEZ, III

§§§
CRIMINAL NO. 24-CR-16-S1

SUPERSEDEING CRIMINAL INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this Indictment:

1. The term "minor" is defined, pursuant to Title 18, United States Code, Section 2256(1), as "any person under the age of eighteen years."
2. The term "child pornography," for purposes of this Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(8)(A), as:

"any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where -

- (A) the production of such visual depiction involves the use of a minor engaged in sexually explicit conduct."

3. The term "sexually explicit conduct" is defined, pursuant to Title 18, United States Code, Section 2256(2)(A), as any:

"actual or simulated -

- (i) sexual intercourse, including genital [to] genital, oral [to] genital, anal [to] genital, or oral [to] anal, whether between persons of the same or opposite sex; [or]
- (ii) bestiality; [or]
- (iii) masturbation; [or]
- (iv) sadistic or masochistic abuse; or
- (v) [the] lascivious exhibition of the anus, genitals or pubic area of any person."

4. The term "computer" is defined, pursuant to Title 18, United States Code, Sections 2256(6) and 1030(e)(1), as any:

"electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator or other similar device."

5. The term "producing", for purposes of this Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(3) and case law, as:

"producing, directing, manufacturing, issuing, publishing or advertising" and includes downloading or copying visual depictions from another source.

6. The term "visual depiction" is defined, pursuant to Title 18, United States Code, Section 2256(5), as including, but is not limited to, any:

"undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image."

COUNT ONE
(Sexual Exploitation of Children)

From on or about March 1, 2023, to on or about October 31, 2023, within the Southern District of Texas,

ARTHUR HECTOR FERNANDEZ, III,

defendant herein, did employ, use, persuade, induce, entice and coerce and attempt to employ, use, persuade, induce, entice and coerce a minor child, to wit: Minor Victim #1, to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction was transmitted using any means and facility of interstate and foreign commerce, and the visual depiction was produced using materials that had been mailed, shipped and transported

in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 2251(a) & (e).

COUNT TWO
(Sexual Exploitation of Children)

On or about May 6, 2023, within the Southern District of Texas,

ARTHUR HECTOR FERNANDEZ, III,

defendant herein, did employ, use, persuade, induce, entice and coerce and attempt to employ, use, persuade, induce, entice and coerce a minor child, to wit: Minor Victim #2, to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction was transmitted using any means and facility of interstate and foreign commerce, and the visual depiction was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 2251(a) & (e).

COUNT THREE
(Sexual Exploitation of Children)

On or about March 12, 2022, within the Southern District of Texas,

ARTHUR HECTOR FERNANDEZ, III,

defendant herein, did employ, use, persuade, induce, entice and coerce and attempt to employ, use, persuade, induce, entice and coerce a minor child, to wit: Minor Victim #3, to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction was transmitted using any means and facility of interstate and foreign commerce, and the visual depiction was produced using materials that had been mailed, shipped and transported

in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 2251(a) & (e).

COUNT FOUR
(Sexual Exploitation of Children)

On or about March 15, 2022, within the Southern District of Texas,

ARTHUR HECTOR FERNANDEZ, III,

defendant herein, did employ, use, persuade, induce, entice and coerce and attempt to employ, use, persuade, induce, entice and coerce a minor child, to wit: Minor Victim #4, to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction was transmitted using any means and facility of interstate and foreign commerce, and the visual depiction was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 2251(a) & (e).

COUNT FIVE
(Sexual Exploitation of Children)

On or about May 2, 2021, within the Southern District of Texas,

ARTHUR HECTOR FERNANDEZ, III,

defendant herein, did employ, use, persuade, induce, entice and coerce and attempt to employ, use, persuade, induce, entice and coerce a minor child, to wit: Minor Victim #5, to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction was transmitted using any means and facility of interstate and foreign commerce, and the visual depiction was produced using materials that had been mailed, shipped and transported

in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 2251(a) & (e)

COUNT SIX
(Sexual Exploitation of Children)

From on or about October 15, 2022, through on or about November 21, 2022, within the Southern District of Texas,

ARTHUR HECTOR FERNANDEZ, III,

defendant herein, did employ, use, persuade, induce, entice and coerce and attempt to employ, use, persuade, induce, entice and coerce a minor child, to wit: Minor Victim #6, to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction was transmitted using any means and facility of interstate and foreign commerce, and the visual depiction was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 2251(a) & (e).

COUNT SEVEN
(Coercion and Enticement)

From on or about February 11, 2022, through on or about April 22, 2022, within the Southern District of Texas and elsewhere,

ARTHUR HECTOR FERNANDEZ, III,

defendant herein, by use of a means of a facility of interstate and foreign commerce, did knowingly and intentionally persuade, induce, entice, and coerce and attempt to persuade, induce, entice and coerce a person, to wit: Minor Victim #7, whom defendant believed had not attained the age of 18

years, to engage in sexual activity for which a person can be charged with a criminal offense under the laws of the United States, that is, the crime of sexual exploitation of a child, in violation of Title 18, United States Code, Section 2251.

In violation of Title 18, United States Code, Section 2422(b).

COUNT EIGHT
(Distribution of Child Pornography)

From on or about January 29, 2022, to on or about May 6, 2023, within the Southern District of Texas,

ARTHUR HECTOR FERNANDEZ, III

defendant herein, did knowingly distribute material that contained child pornography using any means and facility of interstate and foreign commerce, including by computer.

In violation of Title 18, United States Code, Section 2252A(a)(2)(B) and Section 2252A(b)(1).

COUNT NINE
(Receipt of Child Pornography)

From on or about February 12, 2022, to on or about October 24, 2023, within the Southern District of Texas,

ARTHUR HECTOR FERNANDEZ, III

defendant herein, did knowingly receive material that contained child pornography using any means and facility of interstate and foreign commerce, including by computer.

In violation of Title 18, United States Code, Section 2252A(a)(2)(B) and Section 2252A(b)(1).

NOTICE OF FORFEITURE
18 U.S.C. § 2253(a)

Pursuant to Title 18, United States Code, Section 2253(a)(2) and (a)(3), the United States gives the defendant notice that in the event of conviction for the offenses charged in Count One through Count Nine of the Superseding Indictment, the United States will seek to forfeit all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from the offenses charged in Count One through Count Nine; and all property, real and personal, used or intended to be used to commit or to promote the commission of the offenses charged in Count One through Count Nine, or any property traceable to such property, including, but not limited to, the following:

an Apple iPhone 12 Pro Max; and

an Apple iPhone 13 Pro Max.

A True Bill:

Original Signature on File

Grand Jury Foreperson

ALAMDAR S. HAMDANI
United States Attorney

By: Kimberly Ann Leo
Kimberly Ann Leo
Assistant United States Attorney
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